

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 19, 2021

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, April 19, 2021 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance, followed by a moment of silence to remember the lives lost due to COVID-19 as well as the 8 Hoosiers who lost their lives as a result of the shooting at the FedEx facility in Indianapolis on April 15, 2021.



Roll Call.

Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.
(Mr. Banicki and Mr. Mammolenti participated remotely)

Others Present: Clerk Block and Mike Trippel, Council Attorney.

Minutes for the Regular Meeting of April 12, 2021 were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their April 13, 2021 meeting.

APPEAL NO. 21-04 An appeal submitted by Trion LLC an Indiana Limited Liability Company requesting a Use Variance for **110-112 North Main Street** to permit a tattoo studio on a portion of the second floor.

The Board, with a vote of 4-0, recommended approval.

PETITION NO.21-03 A petition submitted by Morgan E. Mick requesting to rezone **1803 Lincolnway West** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, recommended approval.

Clerk Block read the following proposed ordinance by title and assigned committee.

PROPOSED ORDINANCE NO. 2021-13

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE

**CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,
COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF
MISHAWAKA, INDIANA.**

**Rezone from C-1 to R-1 – 1803 Lincolnway West
(Assigned to Land Use Planning Committee)**

Clerk Block read the following proposed resolution by title and opened the public hearing.

RESOLUTION R2021-10

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT: 110-112 N MAIN STREET IN
MISHAWAKA, INDIANA**

Use Variance to allow Tattoo Studio – 110-112 N. Main St.

Charles Trippel, 2002 Linden Avenue, spoke in favor of **RESOLUTION R2021-10**. Mr. Trippel began stating he was there to ask for the council’s approval to allow a tattoo studio on a portion of the second floor at 110-112 North Main Street in a building he owned. Mr. Trippel stated he would be glad to answer any questions they had and the tattoo artist was also present to answer any specific questions about the business he was proposing to run in that space.

Mr. Compton asked what the access was to their upstairs and if it was from Main Street. Mr. Trippel stated it was from Main Street. Mr. Compton also asked if there was a separate side door. Mr. Trippel there was a separate entrance along with three front entrances on the building. Mr. Compton thanked Mr. Trippel and wished him good luck.

Mrs. Voelker asked if the building at 110-112 North Main Street was the only building he owned on the block and if it was multiple buildings. Mr. Trippel stated it was and it was one building.

Mr. Hixenbaugh thanked Mr. Trippel for the work he and his family done over the years to invest in the upkeep and maintenance of that building. Mr. Hixenbaugh stated it was a historic building that was a valued part of their downtown and it had been improved significantly based upon the blood, sweat, tears and money he had invested in it. Mr. Hixenbaugh concluded thanking Mr. Trippel for being a good citizen in Mishawaka and making that commitment to the downtown. Mr. Trippel stated it had been a privilege.

Mr. Emmons questioned signage for the business. Mr. Trippel stated Mr. Prince said he would work with the tenant on signage, but it would be within whatever the signage ordinance allowed. Mr. Trippel stated the tenant would be able to answer the question better than he could.

Luis Selinas, 4126 North Hill Drive South Bend, IN, spoke in favor of **RESOLUTION R2021-10**. Mr. Selinas began by answering Mr. Emmons’ question stating he did not want anything big and gaudy outside as far as signage went and he wanted the studio to be private. Mr. Selinas

stated he did not want anything crazy out there and would be fine with a decal on the door rather than something hanging.

Mrs. Voelker asked if Mr. Selinas could tell them more about his business operation. Mr. Selinas stated he had been doing it for 10 years and had been doing it just freelance. Mr. Selinas stated he had never thought about opening up a shop until recently and he wanted to have something of his own with nobody else working in there with him and by appointment only. Mrs. Voelker stated she was interested in knowing how he found that space. Mr. Selinas stated he found it from word of mouth and his friend also ran the barbershop. Mr. Selinas stated he mentioned to him that the space was available and as soon as he saw it, he fell in love with it. Mrs. Voelker asked about his hours of operation and if he would accept walk-ins. Mrs. Voelker stated she would not love having walk-ins, because she was concerned about the amount of bars in that area alongside the proposed tattoo parlor and someone could drink a lot on a given night and then decide to get a tattoo. Mrs. Voelker stated this was her district and she was concerned about that kind of thing happening and wanted to be reassured. Mr. Selinas stated he did not plan on having walk-ins and have his operation done by appointment only. Mr. Selinas stated he did not want walk-ins, because he used to work at a tattoo shop on Lincolnway and alcohol along with tattoos did not mix. Mrs. Voelker asked if this would be his sole source of income and if he planned on working there Monday through Friday and during what time slot. Mr. Selinas he stated he was thinking he would be working Monday through Saturday from 10 in the morning to maybe 8 or 9 at night at the latest. Mrs. Voelker thanked Mr. Selinas.

Mr. Hixenbaugh reiterated a couple of points made in the staff report by clarifying that he would be receiving licensure from the city and the county health department in conjuncture with his operation and asked if that were correct. Mr. Selinas stated that was correct. Mr. Hixenbaugh made a comment to follow up on Mrs. Voelker's comments and stated he was sure he could understand that they were sensitive to downtown Mishawaka for some of the reasons he had highlighted in his dialogue with Mr. Trippel. Mr. Hixenbaugh stated it was important to the council and they made an investment in it and would make an even bigger investment in it. Mr. Hixenbaugh welcomed Mr. Selinas to downtown along with the city of Mishawaka and wished him nothing but the best. Mr. Hixenbaugh stated it sounded like he had every intent of running a responsible operation that would take into consideration all of those factors. Mr. Hixenbaugh asked Mr. Selinas to please keep in mind that while it was important to be a responsible business owner everywhere, it would be really important to keep in mind his connection to downtown. Mr. Hixenbaugh stated he had a responsible landlord he was working with and trusted in his ability to be able vent him as a responsible tenant. Mr. Hixenbaugh concluded welcoming Mr. Selinas to Mishawaka and wished him well.

Mr. Compton stated he had thought about this and they had a couple of individuals lately who had come to them wanting to set up shop in the downtown area. Mr. Compton stated in his opinion, he tried to think about it from a younger person's point of view and tattoo shops were not what they were when he was young. Mr. Compton stated that would be where bad people hung out and it was all trouble. Mr. Compton stated he thought it was a sign that he liked to think of it as something they would all find acceptable if it were well run, clean business and a good sign for downtown Mishawaka by attracting a younger generation who was interested in that area. Mr. Compton stated he wished Mr. Selinas luck and he would support the resolution and as

President Hixenbaugh said, he had a good landlord so he trusted he would keep an eye on him as he would not want anything in downtown Mishawaka that wasn't both respectable and good for the city. Mr. Compton wished Mr. Selinas good luck and welcomed him to Mishawaka.

Question was called for at 7:15PM for **RESOLUTION R2021-10**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed resolution passed.

NEW BUSINESS

Mr. Mammolenti announced that there would be a Twin Branch Neighborhood Watch meeting hosted via zoom on Wednesday April 21st at 7PM and he would post the zoom details on his Facebook page. Mr. Mammolenti stated the guest speaker would be Ray Schultz, Executive Director for the 911 Dispatch Center.

ADJOURNMENT 7:16PM

Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President